IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.M.JOSEPH

THURSDAY, THE 23RD AUGUST 2007 / 1ST BHADRA 1929

WP(C).No. 19386 of 2007(G)

PETITIONER:

HUTCHISON ESSAR CELLULAR LTD.,
ASHISH BUILDING, COCHIN-31, REPRESENTED BY ITS
MANAGER LEGAL, RAJESH, MELETH VEETTIL,
AGED 36 YEARS, S/O RAGHAVAN MELEHVEETTIL.

BY ADV. SRI.P.SATHISAN

RESPONDENTS:

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1. VILLAGE OFFICER, NANNAMBRA VILLAGE,
MALAPPURAM.

2. NANNAMBRA GRAMA PANCHAYATH REPRESENTED
BY ITS SECRETARY, NANNAMBRA, MALAPPURAM.

3. SECRETARY, LOCAL ADMINISTRATION
DEPARTMENT, SECRETARIAT, THIRUVANANTHAPURAM.

BY ADV. SRI.P.V.KUNHIKRISHNAN FOR R2
GOVT. PLEADER SRI.P.K.RAVIKRISHNAN FOR R3

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 23/08/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONER'S EXHIBITS

EXT.P1	TRUE COPY OF LICENSE AGREEMENT
EXT.P2	TRUE COPY OF AMENDMENT IN THE LEASE AGREEMENT DTD. 3-4-02 ISSUED BY SANCHAR BHAVAN, NEW DELHI
EXT.P3	TRUE COPY OF BUILDING PERMIT ISSUED BY NANNAMBRA GRAMA PANCHAYATH DTD. 23-1-07
EXT.P4	TRUE COPY OF STOP MEMO ISSUED BY NANNAMBRA GRAMA PANCHAYATH DTD. 07-02-2007
EXT.P5	TRUE COPY OF STOP MEMO ISSUED BY VILLAGE OFFICER NANNAMBRA DTD. 26-02-2007

/True Copy/

PA to Judge.

K.M.JOSEPH, J.

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WP.(C) No. 19386 of 2007

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Dated this the 23rd day of August, 2007

JUDGMENT

Petitioner challenges Exts.P4 and P5. Ext.P4 is a stop memo issued by the second respondent. Ext.P5 is issued by the Village Officer. Ext.P3 is the building permit issued to the petitioner permitting him to erect new mobile communication towers. It is while so Exts.P4 and P5 were issued to the petitioner.

2. Learned counsel for the Panchayat has no dispute that the case at hand is covered by the decision reported in **Reliance Infocom Ltd. v. The Themanchery Grama Panchayat** (2006(4) ILR 357). Government Pleader is also unable to show how Ext.P5 stop memo is sustainable in the light of that decision.

Accordingly Exts.P4 and P5 are quashed.

(K.M. JOSEPH, JUDGE)

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